

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
February 17, 2009
6:30 PM**

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
 - A. Approval of the regular meeting minutes of February 3, 2009
 - B. Approval of the special meeting minutes of February 10, 2009
 - C. Acceptance of the minutes of the Planning Commission meeting held January 22, 2009
 - D. Approval of Resolution No. 571, a resolution establishing the necessity for waterline and water system improvements along 140th East Avenue from Florence Street (111th St. S.) extending approximately 1/2 mile south, adopting and approving the Municipal Engineer's preliminary plans, preliminary estimate and assessment plat, declaring the work of the improvements necessary to be done and establishing a hearing on the proposed improvements
 - E. Approval of and authorization to execute Budget Amendment No. 8 for Fiscal Year 2008-2009
 - F. Approval of and authorization to execute an Attorney-Client Contract between The Hartley Law Firm, PLLC and the City of Broken Arrow, for legal representation of the City of Broken Arrow in a condemnation action styled City of Broken Arrow v. Ray H. Wilburn, Case No. CJ-2006-5913, District Court of Tulsa County, Oklahoma
 - G. Approval of and authorization to execute a Consulting and Design Services Agreement between Beck Design and the City of Broken Arrow, for researching and obtaining information on the acquisition of property for the new community/fitness center approved by the voters in a 2004 bond election
 - H. Approval of and authorization to execute the Amendment to Software FX Agreement with M/A-COM, Inc., extending the term of the service agreement to February 28, 2010, for the 800 Mhz Radio System
 - I. Approval of and authorization to execute an Interlocal Cooperation Agreement between the City of Broken Arrow and the Wagoner County Board of County Commissioners, to address and mitigate flooding issues within the Adams Creek Watershed
 - J. Approval of and authorization to publish 'Notice of Availability of Annual Audit'

- K. Approval of bids received and award of the most advantageous bid to Children's Specialties, for two playground systems for Nienhuis Park
- L. Approval of bids received and award of the most advantageous bid to Bob Howard Ford, for one police car
- M. Approval of bids received and award of the most advantageous bid to Bob Hurley Ford, for a ¾ ton crew cab pickup for the Fire Department
- N. Approval of bids received and award of the most advantageous bid to the State Contract by Bob Hurley Ford, for a pickup truck for the Police Department Animal Control Division
- O. Approval of bids received and award of the most advantageous bid to the State Contract by Hudiburg Chevrolet, for two midsize automobiles for the Police Department
- P. Approval of bids received and award of the most advantageous bid to the State Contract by Riverside Autoplex, for a ¾ ton extended pickup truck for the Police Department for technical investigations
- Q. Acceptance of a Sewer Line Easement from REIP, LLC, (S34 T19N R14E) (Project: Sonic at Aspen Commercial Center DN07-149)
- R. Acceptance of Temporary Construction Easement from PMC Corp (S8T18NR14E) (Project: N&S Olive Ave between Houston & Kenosha)
- S. Acceptance of a General Warranty Deed from Carolyn Morris Trustee (S33T18NR14E) (Project: Intersection Aspen Ave & Florence St #ST0533)
- T. Acceptance of a General Warranty Deed from PMC Corp (S8T18NR14E) (Project: N&S Olive Ave between Houston & Kenosha)
- U. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. None

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)

9. General Council Business

- A. Consideration and receipt of bids for, and possible action awarding the sale of \$1,000,000 in Principal Amount of Series 2009A General Obligation Bonds and authorization to execute the pertinent documents related thereto
- B. Consideration and receipt of bids for, and possible action awarding the sale of \$11,400,000 in Principal Amount of Series 209B General Obligation Bonds and authorization to execute the pertinent documents related thereto

- C. Consideration and possible action on the Purchase and Sales Contracts with Nasib Abdo and Antoine Abdo, Successor Trustees of the Revocable Living Trust of George Abdo dated October 15, 1974, John F. Hausam, Mark A. Abdo and Sophie U. Abdo, Paul E. Chartouni and Mary Chartouni, Nasib G. Abdo and Elaine Abdo and Reine E. Chartouni and Elie S. Chartouni, Trustees of the Reine E. Chartouni Trust dated February 9, 1990 and John F. Hausam and Burnstein Family Investment Company L.L.C. for the purchase of 46 acres for property located near the Creek Turnpike and Aspen Avenue
- D. Consideration of and possible Council direction for City of Broken Arrow Draft Investment Policy
- E. Consideration and possible approval of PUD 196, BAZ 1823 and SP 231, Expressway Plaza, 13.78 acres, CG and R2 to CH, south and east of the southeast corner of Elm Place (161st East Avenue) and Tucson Street (121st Street)
- F. Consideration and possible action on a request from Broken Arrow Youth Baseball to name Baseball Fields 5-8 at Indian Springs Sports Complex "Warren Spahn Fields"

10. City Manager's Report

- A. Six month Emergency Reserve Fund balance average and budget projections

11. Preview Ordinances

- A. An ordinance closing a portion of a Utility Easement located on Lot 12, Block 6, The Estates of Birchwood, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency
- B. An ordinance closing a Mutual Access Easement and Utility Easement located on the east end of Ocala Street in Indian Springs Golf Course (south of 131st Street South and west of 177th E. Avenue) Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, repealing all ordinances to the contrary, and declaring an emergency

12. Ordinances

- A. Ordinance No. 3010 - an ordinance providing for the Issuance of \$1,000,000 General Obligation Bonds, Series 2009B by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the Issue and declaring an emergency
- B. Ordinance No. 3011 - an ordinance providing for the Issuance of \$11,400,000 General Obligation Bonds, Series 2009B by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the Issue and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

- 14. Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on litigation concerning Edith Gilbert v City of Broken Arrow, et al., Tulsa County District Court Case Number CJ-2008-2517; Perry Pribble v City of Broken Arrow, United States District Court for the Northern District Case Number 08CV-147 GKF SAJ; Dalton Laidley v City of Broken Arrow, et al., Tulsa County District Court Case Number CJ-2007-7000; Warren Haase Construction, Inc. v City of Broken Arrow, et al., Wagoner County District Court Case Number CV-2009-98; and Aaron D. Burns, Claimant v. City of Broken Arrow Fire Department, Respondent, v. City of Broken Arrow (Own Risk #14157), Workers' Compensation Court of the State of Oklahoma, Case Number 2004-04681Q, all under 25 O.S. § 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

15. Adjournment

NOTICE:

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, 2009, at _____ a.m./p.m.

City Clerk